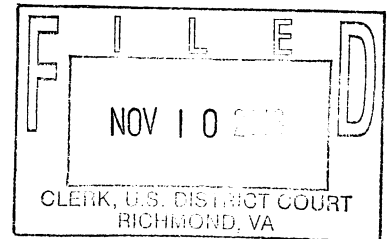


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



KEN ROBERTS,

Petitioner,

v.

Civil Action No. 3:16CV179

LORETTA E. LYNCH, et al.,

Respondents.

MEMORANDUM OPINION

Ken Roberts, a former alien detainee proceeding pro se, submitted a petition pursuant to 28 U.S.C. § 2241 (§ 2241 Petition," ECF No. 1). In his § 2241 Petition, Roberts sought release from the custody of the United States Immigration and Customs Enforcement, asserting that his continued detention is unlawful under Zadvydas v. Davis, 533 U.S. 678 (2001), because "neither ICE nor the Bahamian Embassy has provided any indication that the Bahamian Government would accept petitioner in the reasonably foreseeable future." (§ 2241 Pet. 4 (as paginated by CM/ECF) (emphasis omitted).) On September 27, 2016, the Magistrate Judge recommended that the Motion to Dismiss be granted and that Roberts's § 2241 Petition be dismissed as moot. The Court advised Roberts that he could file objections within fourteen (14) days of the date of entry of the Report and Recommendation. Roberts has not responded.

"The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court." Estrada v. Witkowski, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing Mathews v. Weber, 423 U.S. 261, 270-71 (1976)). This Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). "The filing of objections to a magistrate's report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties' dispute." Thomas v. Arn, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this Court may adopt a magistrate judge's recommendation without conducting a de novo review. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, and the Court having determined that the Report and Recommendation is correct on its merits, the Report and Recommendation will be accepted and adopted. The Motion to Dismiss (ECF No. 9) will be granted. The § 2241 Petition will be dismissed as moot. The action will be dismissed.

The Clerk is directed to send a copy of this Memorandum Opinion to Roberts and counsel of record.

It is so ORDERED.

/s/ REP

Robert E. Payne  
Senior United States District Judge

Richmond, Virginia

Date: November 9, 2016